

AMENDED IN ASSEMBLY MAY 28, 2010  
AMENDED IN ASSEMBLY MAY 10, 2010  
AMENDED IN ASSEMBLY APRIL 20, 2010  
AMENDED IN ASSEMBLY APRIL 7, 2010  
AMENDED IN ASSEMBLY APRIL 5, 2010  
AMENDED IN ASSEMBLY MARCH 23, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

## ASSEMBLY BILL

**No. 1647**

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**Introduced by Assembly Members Hayashi and Hill**  
**(Coauthors: Assembly Members Ammiano, Bass, Beall, Buchanan,**  
**Coto, Davis, Fletcher, Furutani, Galgiani, Huffman, Lieu,**  
**Bonnie Lowenthal, Ruskin, Saldana, Smyth, and Solorio)**  
(Coauthor: Senator Strickland)

January 13, 2010

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An act to add Chapter 2.7 (commencing with Section 18898) to Division 8 of the Business and Professions Code, and to add ~~Sections 33355 and 49475~~ *Section 33355* to the Education Code, relating to athletics.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1647, as amended, Hayashi. Athletics.

(1) Existing law provides for the regulation of various professions and vocations, including those of an athlete agent.

This bill would make it unlawful for any person to hold himself or herself out as an athletic trainer unless he or she has been certified by the Board of Certification, Inc., and has either graduated from a college

or university, after completing an accredited athletic training education program, as specified, or completed requirements for certification by the Board of Certification, Inc., prior to January 1, 2004. The bill would prohibit an athletic trainer from engaging in athletic training activities unless pursuant to protocols developed by a physician and surgeon for that athletic trainer. The bill would make it an unfair business practice to violate these provisions.

~~(2) Existing law authorizes school districts to provide specified medical services in connection with athletic events that are under the jurisdiction of, or sponsored or controlled by, school districts. These services include medical or hospital insurance for pupils injured while participating in athletic activities and ambulance service for pupils, instructors, spectators, and other individuals in attendance at athletic activities.~~

~~This bill would provide that if a school district elects to offer any interscholastic athletic programs, the school district would be required to comply with certain requirements, including (A) immediately removing from a school-sponsored athletic activity a high school athlete who is suspected of sustaining a concussion or head injury during that activity, (B) commencing July 1, 2011, ensuring that there is a written action plan available that describes the procedures to be followed in the event of any emergency that occurs in connection with a school-sponsored athletic activity, and (C) commencing July 1, 2014, acquiring an automatic external defibrillator, to be made available at school-sponsored athletic activities.~~

~~(3)~~

~~(2) Existing law grants the State Department of Education certain authority over interscholastic athletics, including the authority to state that the policies of school districts, of associations or consortia of school districts, and of the California Interscholastic Federation, concerning interscholastic athletics, are in compliance with both state and federal law.~~

~~This bill would require the department to adopt a heat-acclimatization program established by the National Athletic Trainers' Association or other similarly recognized organization, and to make this program available to school districts through its Internet Web site or other means post this program on its Internet Web site.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. (a) The Legislature finds and declares all of the~~  
2     ~~following:~~

3     ~~(1) Over 125 middle school and high school athletes died in~~  
4     ~~2008 and 2009, including 18 in California, and another 40 sustained~~  
5     ~~catastrophic, life-altering injuries. Many of these deaths and injuries~~  
6     ~~could have been prevented or mitigated if proper procedures were~~  
7     ~~employed.~~

8     ~~(2) According to the National Center for Catastrophic Sport~~  
9     ~~Injury Research (NCCSIR), approximately 7.5 million pupils~~  
10    ~~participate in high school athletics each year.~~

11    ~~(3) The NCCSIR also estimates that 2 million injuries occur~~  
12    ~~each year, including approximately 1 million injuries that result~~  
13    ~~in the loss of at least one week of activity.~~

14    ~~(4) Historically, over 60 pupils per year are killed or suffer~~  
15    ~~catastrophic injuries, such as permanent paralysis, as the result of~~  
16    ~~spinal cord injury.~~

17    ~~(b) It is therefore the intent of the Legislature to enact legislation~~  
18    ~~that will decrease the number of deaths and catastrophic injuries~~  
19    ~~sustained by California pupil athletes, with the focus on the most~~  
20    ~~common types of injuries and illnesses that result in life-threatening~~  
21    ~~injuries and deaths, including sudden cardiac death, traumatic brain~~  
22    ~~injury, and heat illness.~~

23    ~~SEC. 2.~~

24    ~~SECTION 1. Chapter 2.7 (commencing with Section 18898)~~  
25    ~~is added to Division 8 of the Business and Professions Code, to~~  
26    ~~read:~~

27  
28                   CHAPTER 2.7. ATHLETIC TRAINERS  
29

30    18898. (a) No person shall hold himself or herself out to be  
31    an athletic trainer unless he or she meets the following  
32    requirements:

33       (1) He or she has done either of the following:

34       (A) Graduated from a college or university after completing an  
35       athletic training education program accredited by the Commission  
36       on Accreditation of Athletic Training Education, or its predecessors  
37       or successors.

1 (B) Completed requirements for certification by the Board of  
2 Certification, Inc., prior to January 1, 2004.

3 (2) He or she has been certified by the Board of Certification,  
4 Inc.

5 (b) An athletic trainer shall engage in athletic training activities  
6 only pursuant to protocols developed for that athletic trainer by a  
7 physician and surgeon licensed by the Medical Board of California  
8 or an osteopathic physician and surgeon licensed by the  
9 Osteopathic Medical Board of California.

10 (c) It is an unfair business practice within the meaning of  
11 Chapter 5 (commencing with Section 17200) of Part 2 of Division  
12 7 for any person to use the title of “athletic trainer” or “certified  
13 athletic trainer” or any other term, such as “licensed,” “registered,”  
14 or “ATC,” that implies or suggests that the person is certified as  
15 an athletic trainer, if the person does not meet the requirements of  
16 subdivision (a) and engages in athletic trainer activities pursuant  
17 to subdivision (b).

18 ~~SEC. 3.~~

19 *SEC. 2.* Section 33355 is added to the Education Code, to read:  
20 33355. The department shall adopt a heat-acclimatization  
21 program established by the National Athletic Trainers’ Association  
22 or other similarly recognized organization and shall ~~make this~~  
23 ~~program available to school districts through its Internet Web site~~  
24 ~~or other means; post this program on its Internet Web site.~~

25 ~~SEC. 4.~~ Section 49475 is added to the Education Code, to read:  
26 49475. ~~If a school district elects to offer any interscholastic~~  
27 ~~athletic programs, the school district shall comply with all of the~~  
28 ~~following:~~

29 ~~(a) A high school athlete who is suspected of sustaining a~~  
30 ~~concussion or head injury in a school-sponsored athletic activity~~  
31 ~~shall be immediately removed from the activity and shall not be~~  
32 ~~permitted to return to the activity until he or she is evaluated by a~~  
33 ~~licensed physician and surgeon, osteopathic physician and surgeon,~~  
34 ~~athletic trainer trained in the management of concussions pursuant~~  
35 ~~to Chapter 2.7 (commencing with Section 18898) of Division 8 of~~  
36 ~~the Business and Professions Code, or licensed health care~~  
37 ~~provider, trained in the management of concussions, acting within~~  
38 ~~the scope of his or her practice. If an athlete suspected of sustaining~~  
39 ~~a concussion is referred by an athletic trainer to a licensed physician~~  
40 ~~and surgeon, an osteopathic physician and surgeon, or licensed~~

1 health care provider, trained in the management of concussions,  
2 acting within the scope of his or her practice, that athlete shall not  
3 be permitted to return to the activity until he or she receives written  
4 clearance to return to the activity from a licensed physician and  
5 surgeon, osteopathic physician and surgeon, or licensed health  
6 care provider, trained in the management of concussions, acting  
7 within the scope of his or her practice.

8 (b) Commencing July 1, 2011, the governing board of a school  
9 district shall ensure that there is a written emergency action plan  
10 available that describes the procedures to be followed in the event  
11 of any emergency that occurs in connection with a  
12 school-sponsored athletic activity.

13 (c) (1) Commencing July 1, 2014, the governing board of a  
14 school district shall acquire an automatic external defibrillator  
15 (AED) to be used by trained personnel to assist pupils, instructors,  
16 spectators, and other individuals in attendance at school-sponsored  
17 athletic activities. Each school district that acquires an AED  
18 pursuant to this subdivision shall ensure that one AED is available  
19 at each schoolsite for school-sponsored athletic activities that occur  
20 at the schoolsite. Without regard to the number of athletic activities  
21 that occur at each schoolsite, only one AED shall be required at  
22 each schoolsite.

23 (2) In order to ensure public safety, a school district that acquires  
24 an AED pursuant to this subdivision is not liable for any civil  
25 damages resulting from any acts or omissions in the rendering of  
26 emergency care under subdivision (b) of Section 1714.21 of the  
27 Civil Code if that school district has complied with subdivision  
28 (b) of Section 1797.196 of the Health and Safety Code.

29 (3) An employee of a school district, who in good faith renders  
30 emergency care or treatment at the scene of an emergency by the  
31 use of an AED acquired pursuant to this subdivision, is not liable  
32 for any civil damages resulting from any acts or omissions in  
33 rendering the emergency care. This protection does not apply in  
34 any case of personal injury or wrongful death that results from the  
35 gross negligence or willful or wanton misconduct of any employee  
36 of a school district who renders emergency care or treatment by  
37 the use of an AED.